

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5277 of 2026

Arising Out of PS. Case No.-855 Year-2023 Thana- COMPLAINT CASE District-
Kishanganj

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1. Gulzar Hussain S/o- Akbar Ali Resident of village- Chhagalkati PS- Karandighi Dist- Uttar Dinajpur, W.B
 2. Md. Azimuddin S/o- Md. Aisuddin Resident of village- Rasakhoa Khantmilik PS- Karandighi Dist- Uttar Dinajpur, W.B
 3. Rahim Sekh S/o- Rafikul Islam Resident of village- Bhawanipur PS- Karandighi Dist- Uttar Dinajpur, W.B
 4. Wasiul Haque @ Oliul Haque S/o- Tapesar Ali Resident of village- Bhawanipur PS- Karandighi Dist- Uttar Dinajpur, W.B

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zafarul Kamar S/o- Late Md. Usman R/v- Purana Khagra Dehri W.No-20, Ps- Kishanganj Dist- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the O.P. No. 2	:	Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 06-04-2026 Heard learned counsel appearing on behalf of the

petitioners; learned APP for the State and learned counsel for the

O.P. No.2.

2. The petitioners seek pre-arrest bail in connection
with Complaint Case No. C 855 of 2023, C.I.S. No. 858 of 2023
registered for the offence punishable under Sections 420, 406,
323, 384, 467, 468, 504 and 506/34 of the Indian Penal Code
and the learned District Court has taken cognizance under



Sections 323, 341, 420, 504 and 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the complainant filed a complaint case before the learned Chief Judicial Magistrate, Kishanganj, alleging that the land in question stood recorded in the name of Makbulan Nisha and, after her death, devolved upon her legal heirs. It is alleged that on 23.09.2023, the accused persons attempted to raise construction over the said land and, upon protest by the complainant on 24.09.2023, they assaulted and abused him. The accused persons, through an intermediary, produced certain sale deeds, and the complainant came to know that accused Md. Firoz, in conspiracy with others, falsely represented himself as the grandson of Makbulan Nisha and executed sale deeds without having any right or title over the land. It is further alleged that the accused persons threatened the complainant and demanded ₹2,50,000/- as extortion. Despite filing a complaint before the police authorities on 10.11.2023, no action was taken, leading to the institution of the present complaint case.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in the case. He further submits that



the matter primarily relates to civil dispute between the parties and for amicable settlement of dispute between the parties outside the Court, the matter be referred for mediation.

5. Learned APP appearing on behalf of the State and learned counsel appearing on behalf of the O.P. No.2 jointly submitted that a chance be given to the parties for amicable settlement outside the court.

6. The petitioners' counsel informs that he has received instruction that the petitioners also want to reconcile the dispute by way of mediation.

7. Both the parties have agreed to appear before the learned District Court at 10:30 A.M. on 15.04.2026 for resolving the dispute by way of mediation.

8. Heard the parties

9. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., I am of the opinion that an opportunity is required to be given to the parties to settle their score amicably outside the Court.

10. In this regard, I find it apt to take note of the observation made by the Apex Court in case of *Paramjeet Batra v. State of Uttarakhand* reported in (2013) 11 SCC 673,



in which, the Apex Court in paragraph no. 12 has held as follows:

"12. While exercising its jurisdiction under Section 482 of the Code the High Court has to be cautious. This power is to be used sparingly and only for the purpose of preventing abuse of the process of any court or otherwise to secure ends of justice. Whether a complaint discloses a criminal offence or not depends upon the nature of facts alleged therein. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court. A complaint disclosing civil transactions may also have a criminal texture. But the High Court must see whether a dispute which is essentially of a civil nature is given a cloak of criminal offence. In such a situation, if a civil remedy is available and is, in fact, adopted as has happened in this case, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of the court."

(emphasis supplied)

11. The Apex Court has reiterated the aforesaid proposition in recent judgment of ***S. N. Vijayalakshmi & Ors. vrs. The State of Karnataka and Anr.*** reported in ***(2025) SCC Online SC 1575***.

12. Both the parties have willingly desired to appear before the learned District Court on or before 15.04.2026, so that the matter can be referred to the District Mediation Centre.

13. Learned District Court is directed to take necessary steps to refer the matter before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to "Mediation for the Nation 2.0".

14. Learned Mediator of the District Mediation Center



concerned, upon appearance of the parties, shall make his/her best efforts to settle the dispute amicably and thereafter submit his/her report before the concerned learned District Court, well within a period of three months, till then, no coercive action shall be taken against the petitioners in connection with the aforesaid case.

15. In case, the parties resolve their dispute amicably or arrive at a mutual settlement, in light of the law laid down by the Apex Court as referred hereinabove, the petitioners are required to be released on pre-arrest bail on such terms and conditions as the learned District Court deems it fit and proper.

16. In case of failure on the part of the petitioners to appear on 15.04.2026 before the learned District Court or any date fixed by the learned Mediator, the interim protection granted to the petitioners shall automatically lose its force.

17. In case, it is deliberate on the part of the complainant to reconcile, then in that case, the interim protection granted to the petitioners shall continue and the trial shall proceed in accordance with law.

18. In case, the parties fail to reconcile, then in that case, parties may avail appropriate remedy. Then also, petitioners are directed to be released on pre-arrest bail on such



terms and conditions as the learned District Court deems it fit and proper.

19. If both the parties arrive at amicable settlement, then they must withdraw the criminal cases, if any, which they have lodged against each other.

20. With aforesaid direction and observation, the present application stands disposed of.

21. Let a copy of this order be communicated to the Member Secretary, Bihar State Legal Services Authority and the Patna High Court Mediation Centre for the purpose of record.

(Purnendu Singh, J)

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